

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, :

Plaintiff, :

v. : CA 12-0237-C

55.12 ACRES OF LAND, MORE OR LESS, :
LOCATED IN EVERGREEN, CONECAH
COUNTY, STATE OF ALABAMA; :
WILLIAM W. WARD; and BETTYE P.
WARD, et al., :

Defendants. :

ORDER FOR REVESTMENT

It appearing to this Court that Plaintiff, United States of America, and defendant, William W. Ward, and Debra W. McIntyre, filed with this Court a Stipulation for Revestment and the Court being fully advised in the premises,

FINDS that on April 5, 2012, Plaintiff, United States of America, commenced the above-entitled action for the purpose of acquiring by eminent domain certain estates in land as more particularly described in the Complaint and Declaration of Taking filed herein and that this Court has jurisdiction of the parties and the subject matter; and

That by reason of the filing of such Declaration of Taking and the depositing of \$71,828.00 as the United States' estimated just compensation for the taking thereof, title to such land, to the extent of the estate described in the Declaration of Taking, vested in the United States of America on April 6, 2012; and

That, it has been determined by the parties and by Debra W. McIntyre, to be necessary to revest to the former owners certain rights, title and interest in (1) a 50 foot wide right of way and/or utility easement over the area described and conveyed in the instrument recorded at Deed

Book 2007, Page 1133 of the public Probate records of Conecuh County, Alabama and (2) all oil, gas and other minerals in and under the property acquired below the depth of one thousand feet (1000') from the surface, with a proviso that the surface of the property taken may not be used or disturbed for any purpose in connection with the minerals and that all explorations and extractions for such oil, gas and other minerals may only be undertaken using directional drilling methods to avoid drilling from the surface of the property taken hereinafter. Such vested rights, title, and interest are referred to as "Revested Interests"; and

That, Defendant, William W. Ward, Plaintiff, the United States of America, and Debra Ward McIntyre, have stipulated to the revestment by the United States of the Revested Interests;

That it has been determined by the United States of America that the estates taken in said Revested Interests are no longer necessary for the public purposes stated in the aforesaid Declaration of Taking, and

That Debra W. McIntyre and Defendant, William W. Ward, have consented to the revestment, *nunc pro tunc*, to the original date of taking, by the United States of America of the Revested Interests acquired in the Complaint in Condemnation and the Declaration of Taking and said Revested Interests shall be vested in Debra W. McIntyre and Defendant, William W. Ward, to the extent held by them immediately prior to the taking.

The parties have stipulated that the court shall enter an Order in accordance with the terms and conditions set forth herein, and

The parties have consented to the entry of any and all orders and judgment necessary to effectuate their Stipulation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That all right, title and interest of the stipulating Debra W. McIntyre and Defendant William W. Ward, in and to any and all of said Revested Interests described above and included in the lands described in the Complaint In Condemnation and the Declaration of Taking heretofore filed in this proceeding are hereby revested *nunc pro tunc*, to the original date of taking, in said Debra W. McIntyre and Defendant, William W. Ward, to the extent held by them immediately prior to the taking.
2. That Debra W. McIntyre and Defendant William W. Ward, in consideration of the foregoing, waive any and all compensation for the taking of the Revested Interests and for the United States' use of that portion and/or interest in the land, title to which is revested by this stipulation, including all damages, attorney's fees and costs arising from the taking of the Revested Interests.

DONE and ORDERED this the 4th day of September, 2013.

s/WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE